

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

LUCIANA BERCEANU, on her own behalf and)
on behalf of her beneficiary daughter, and all others)
similarly situated, JUDY HERNANDEZ, on her)
own behalf and on behalf of her beneficiary)
husband, and all others similarly situated,) Case No. 3:19-cv-568-wmc
)
Plaintiffs,)
)
v.)
)
UMR, INC.,)
)
Defendant.)

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Luciana Berceanu and Judy Hernandez ("Plaintiffs") respectfully move this Court for class certification pursuant to Fed. R. Civ. P. 23(b)(2), or, in the alternative, pursuant to Fed. R. Civ. P. 23(b)(3) or 23(c)(4). Plaintiffs' motion seeks an order: (1) certifying the proposed Class defined as: Any member of a health benefit plan governed by ERISA whose request for coverage of residential treatment services for a mental illness or substance use disorder was denied by UMR, in whole or in part, within the applicable statute of limitations, based on UBH's Level of Care Guidelines or UBH's Coverage Determination Guidelines, and such denial was not reversed following an administrative appeal; (2) appointing Plaintiffs as Class representatives; and (3) appointing Zuckerman Spaeder LLP, Psych-Appeal, Inc., and Gingras, Thomsen & Wachs as Class Counsel. Plaintiffs' motion relies on the accompanying Memorandum of Law and exhibits thereto, all pleadings on file in the above-captioned matter, and such other support as may be presented to the Court.

Dated: October 16, 2020

Respectfully submitted,

s/ Caroline E. Reynolds

GINGRAS, THOMSEN & WACHS
Robert J. Gingras
Paul A. Kinne
8150 Excelsior Drive
Madison, WI 53717
Tel: (608) 833-2632
gingras@gtwlawyers.com
kinne@gtwlawyers.com

ZUCKERMAN SPAEDER LLP
Caroline E. Reynolds (*pro hac vice*)
Marcus P. Smith (*pro hac vice*)
1800 M St., NW, Suite 1000
Washington, DC 20036
Tel: (202) 778-1800
creynolds@zuckerman.com
mpsmith@zuckerman.com

ZUCKERMAN SPAEDER LLP
D. Brian Hufford (*pro hac vice*)
Jason S. Cowart (*pro hac vice*)
485 Madison Avenue, 10th Floor
New York, NY 10022
Tel: (212) 704-9600
dbhufford@zuckerman.com
jcowart@zuckerman.com

ZUCKERMAN SPAEDER LLP
Jack Fernandez (*pro hac vice*)
101 East Kennedy Boulevard, Suite 1200
Tampa, FL 33602
Tel: (813) 221-1010
jfernandez@zuckerman.com

PSYCH-APPEAL, INC.
Meiram Bendat (*pro hac vice*)
8560 West Sunset Boulevard, Suite 500
West Hollywood, CA 90069
Tel: (310) 598-3690, x.101
mbendat@psych-appeal.com

Attorneys for Plaintiffs